

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

CrI.MC.No. 539 of 2007()

CMP.9361/06 & 9362/2006 of JUDL. MAGISTRATE OF FIRST CLASS COURT,
IRINJALAKUDA
CR.NO.345/06 OF PUDUKKAD POLICE STATION
.....

PETITIONER:

DAVIS,
89(a),CHOONATTUSSERIYIL HOUSE,
IRINJALAKUDA, CHALAKUDY.

BY ADV. DR.K.P.KYLASANATHA PILLAY
SMT.SREEDEVI KYLASANATH
SRI.K.JITHIN

RESPONDENTS:

STATE OF KERALA REP. BY THE
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 05/03/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

Crl.M.C.No.539 of 2007

Dated this the 5th day of March 2007

O R D E R

The petitioner claims to be the owner of a car. The said car was seized by the police. The allegation is that the said car is suspected to be a stolen property. It is the petitioner's case that he had come into ownership and possession of the car bona fide. As stated earlier, the petitioner has not so far be arrayed as an accused at all. According to the petitioner, he is a bona fide purchaser. He applied for release of the car under Section 451 Cr.P.C. The learned Magistrate ordered the release of the car subject to conditions including a condition that the petitioner must produce a bank guarantee for the bond amount of Rs.7,00,000/-. The petitioner contends that the condition is too onerous. He prays that the same may be deleted. The learned counsel points out that under identical circumstances , this court has passed Annexure-V order. Identical directions may be issued in the instant case also to ensure that the car purchased by the petitioner is not exposed to sun, rain and is not permitted to suffer deterioration.

2. The learned Public Prosecutor does not raise any objection provided the relief granted is limited to the relief already granted in Annexure-V order. I am, in these circumstances, satisfied that the limited request made by the learned counsel for the petitioner can be accepted. I direct that condition No.3 which obliges the petitioner to produce bank guarantee for Rs.7,00,000/- shall stand modified. It is enough if the petitioner executes a bond for Rs.7,00,000/- (Rupees seven lakhs only) with two solvent sureties each for the like sum. The learned Magistrate may insist on appropriate documents to satisfy himself about the solvency and adequacy of the sureties. No rigid insistence on any particular mode of satisfaction need be made.

3. This Criminal Miscellaneous Case is accordingly allowed. Condition No.3 shall stand modified to the above extent.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006